

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION

OSMOSE, INC.,

Plaintiff,

v.

ARCH CHEMICALS, INC., *et al.*,

Defendants.

Case No. 2:10cv108 (JBF-<sup>TEM</sup>~~EBS~~)



**ORDER GRANTING JOINT MOTION  
TO AMEND RULE 16(b) SCHEDULING ORDER**

On this date came the Plaintiff, Osmose, Inc. ("Osmose") and the Defendants, Arch Chemicals, Inc., Arch Wood Protection, Inc., Arch Treatment Technologies, Inc., Cox Industries, Inc., Rocky Top Building Products, Inc. and Madison Wood Preservers, Inc. (collectively, "Arch"), upon the parties' Joint Motion to Amend Rule 16(b) Scheduling Order and, for all the reasons set forth in that joint motion, and for good cause shown, the Joint Motion to Amend Rule 16(b) Scheduling Order is hereby **GRANTED** and it is therefore

**ORDERED** that:

1. The following form of production shall be acceptable, with the precise form of production being at the discretion of the producing party: (i) hard copy or (2) electronic copies in single-page TIFF format.
2. Where documents are produced in electronic form, they may be produced on CD-ROM, DVD or flash memory drive.
3. The parties agree to preserve originals of documents and ESI that has been produced in one of the formats specified in paragraph 3(a), in its original native format. Upon reasonable request stating good grounds, a party shall produce specified ESI in its native format. Counsel

agree to work together in good faith to resolve any differences that may arise concerning a request for production in native format.

4. The parties agree that, when reviewing their ESI in response to any request for documents and in producing Initial Disclosures, they will search for and produce electronic files bearing the following file extensions: .doc; .xls; .ppt; .mdb; .pdf; .wpd; .zip; .txt; .tif; .tiff.

5. The parties have agreed that service of pleadings and other papers required under Rule 5 may be made by electronic mail by 6:00 p.m. Eastern time on the day such service is due provided that such electronic mail is sent to the following addresses:

- a. If to Osmose: Arch @milbank.com; provided that if the material being served is of a file size that is rejected by the recipient, service may be made by hand delivery of a CD-ROM, DVD or flash memory drive containing the material to Robert J. Koch, Milbank, Tweed, Hadley & McCloy LLP, 1850 K Street, N.W., Suite 1100, Washington, DC 20006; and
- b. If to Defendants: ksarchteam@kilpatrickstockton.com; provided that if the material being served is of a file size that is rejected by the recipient, service may be made by hand delivery of a CD-ROM, DVD or flash memory drive containing the material to Candice Decaire, Kilpatrick Stockton, LLP, 1100 Peachtree Street NE, Suite 2800, Atlanta, GA 30309-4528.

The parties agree that electronic service shall not be deemed the equivalent of hand delivery service and, for any pleading or document served electronically, three (3) additional days shall be added to any response date pursuant to Rule 6 of the Federal Rules of Civil Procedure.

6. The Plaintiff shall be entitled to a total of 16 depositions of party witnesses, Defendants shall be entitled to a total of 10 depositions of party witnesses.

7. Each party shall be entitled to a total of 1 deposition of each expert who files a disclosure or report under Rule 26(a)(2)(B).

8. The parties agree that a deposition conducted under a single Rule 30(b)(6) notice shall count as one deposition, regardless of how many witnesses are necessary to fully respond to the topics listed in the notice.

9. Depositions shall be limited to 7 hours on the record, unless good cause is shown for additional time.

10. These limitations upon discovery may be modified by mutual agreement of the parties or upon Court order.

Dated: August 27, 2010, 2010

Entered: \_\_\_\_/\_\_\_\_/\_\_\_\_

Magistrate Judge: Tommy E. Miller

United States District Court  
Eastern District of Virginia

WE ASK FOR THIS:

  
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